IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.44 OF 2006.

Smt.Prabhavati Bhaskar Garud. ... Petitioner.

Versus.

The State of Maharashtra & anr. ... Respondents.

Shri R.V.Samuel for the Petitioner.

Shri U.V.Nikam, A.P.P.for Respondent No.1-State.

Shri V.M.Thorat for the Respondent No.2.

CORAM : ABHAY S.OKA, J.

DATED : 9th October, 2006.

P.C.:

1. Heard the Advocate appearing for the Petitioner. The Petitioner is the first informant who filed the F.I.R. alleging commission of offence under section 420 of the Indian Penal Code. The Petitioner made an application before the trial Court for the attachment of the property allegedly acquired by the 2nd Respondent-accused. The trial Court rejected the application. The Revision Application filed for challenging the order of the trial Court has been rejected.

2. After having heard the learned Advocate for the Petitioner, I find that the Courts below and especially the Revisional Court is right in holding that in the absence of the assertions by the Complainant that by

utilising the amount taken from her by inducment, the 2nd Respondent has purchased the property, the power under section 105 cannot be exercised. No case for interference is made out in this petition under Article 227 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973. The petition is rejected. Nothing stated in this order shall be construed as an expression of opinion on the merits of the F.I.R. lodged by the Petitioner.

Judge.